

REMARKS

Claims 1-21 were presented for examination. Claims 1-21 were rejected.

Claims

Claim 21 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Further, the Office stated there was no antecedent basis for the “said annuity” or “said insurance policy” in claim 21 or claim 19 from which it depended and for examination purposes, it was assumed that claim 21 was intended to depend from claim 20 instead which contains both the annuity and insurance policy. In response, claim 21 has been amended to provide antecedent basis. Therefore, claim 21 should be in allowable form.

Claims 8-21 were provisionally rejected on the ground of nonstatutory double patenting as being unpatenable over claims 7-20 of U.S. Patent Application No. 10/519,179 which appeared to be identical. Claim 2 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent Application No. 10/519,179. In response, Applicant will provide a terminal disclaimer for this application to terminate with U.S. Patent Application No. 10/519,179. Therefore, claims 8-21 should be in allowable form.

Claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,852,811 to Atkins. In response, the Office’s citation of Atkins is not as set out in 8d of the Office Action but has different characteristics from 8d of the claim in Atkins, Col. 5, lines 23-29. The same is true for step (f) and (h) of claim 1. The key is in the successful borrowing using the investment vehicle as set out in the claims of applicant’s invention. Therefore, claims 1-21 should be in allowable form.

In commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and applicant's present invention have been made by applicant. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

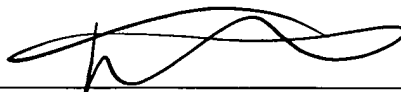
The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences which applicant's attorney chooses to mention at this time.

The Office is authorized to charge any fees due in association with this filing to the Deposit Account of Adams and Reese, LLP, Account No. 50-2413. Further, the Office is authorized to charge any other fees or credit any overpayment for this matter to the Deposit Account of Adams and Reese, LLP, Account No. 50-2413.

Reconsideration of the application as amended and allowance thereof is requested.

Please send all future correspondence regarding the above-referenced application to the undersigned at the address appearing below.

Respectfully submitted,



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